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10 *Attorneys for Defendants Skillz, Inc.,*
11 *Andrew Paradise, Casey Chafkin, Miriam*
12 *Aguirre, Scott Henry, and Harry Sloan*

13 *Additional counsel on signature page*

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 THOMAS JEDRZEJCZYK, individually, and
18 on behalf of all others similarly situated,

19 Plaintiff,

20 v.

21 SKILLZ, INC., f/k/a FLYING EAGLE
ACQUISITION CORP., ANDREW
22 PARADISE, CASEY CHAFKIN, MIRIAM
AGUIRRE, SCOTT HENRY, and HARRY
23 SLOAN,

24 Defendants.

Case No.: 3:21-cv-03450-RS

**STIPULATION AND ORDER EXTENDING
TIME TO RESPOND TO COMPLAINT
AND CONTINUING CASE
MANAGEMENT CONFERENCE**

(Civil L.R. 6-1, 6-2, 7-12)

Hon. Richard Seeborg

1 Plaintiff Thomas Jedrzejczyk (“Plaintiff”) and Defendants Skillz, Inc. (“Skillz”), Andrew
2 Paradise, Casey Chafkin, Miriam Aguirre, Scott Henry, and Harry Sloan (collectively,
3 “Defendants,” and together with Plaintiff, the “Parties”), by and through their undersigned counsel,
4 hereby stipulate and agree as follows and jointly request that the Court enter the below Order
5 approving this Stipulation.

6 **WHEREAS**, on May 7, 2021, Plaintiff filed the above-captioned securities fraud class
7 action (the “Complaint,” ECF No. 1) asserting claims under the Securities Exchange Act of 1934,
8 which is governed by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”). *See* 15
9 U.S.C. § 78u-4 et seq. Under 15 U.S.C. §78u-4(b)(3)(B), absent a court order, all discovery and
10 other proceedings are stayed during the pendency of any motion to dismiss;

11 **WHEREAS**, the PSLRA provides for consolidation of any related actions and the
12 appointment of lead plaintiff and lead counsel, *see* 15 U.S.C. §78u-4(a)(3), and further provides
13 that the appointment of lead plaintiff shall not be made until after a decision on any motion to
14 consolidate is rendered (15 U.S.C. 78u-4(a)(3)(B)(ii));

15 **WHEREAS**, counsel for Plaintiff published a notice on May 8, 2021 that any member of
16 the putative class has until July 7, 2021 to request that the Court appoint such member to serve as
17 lead plaintiff for the putative class (ECF No. 9);

18 **WHEREAS**, undersigned counsel for Defendants have waived service of the summons
19 and Complaint on behalf of each Defendant, subject to any defenses that any Defendant may
20 subsequently assert, including any defenses or objections as to personal jurisdiction, forum, venue,
21 or otherwise, all of which defenses are hereby preserved, except for those related to the sufficiency
22 of service;

23 **WHEREAS**, the Parties expect a consolidated complaint will be filed after the
24 determination of the lead plaintiff motion(s);

25 **WHEREAS**, Defendants anticipate filing a motion to dismiss the claims asserted against
26 them in response to the consolidated complaint;

27 **WHEREAS**, because the special procedures specified in the PSLRA and the Northern
28 District of California’s Model Stipulation and Proposed Consolidation Order for Securities Fraud

1 Class Actions contemplate (i) the consolidation of similar actions, (ii) appointment of lead
2 plaintiff, and (iii) the filing of a single consolidated complaint by lead plaintiff and counsel to be
3 appointed by the Court, requiring Defendants to respond to the complaint prior to the filing of a
4 consolidated complaint would result in the needless expenditure of private and judicial resources;

5 **WHEREAS**, on May 10 and 11, 2021, this Court issued Initial Case Management and
6 Scheduling Orders with ADR Deadlines, setting the Initial Case Management Conference for
7 August 5, 2021 (ECF Nos. 4, 7);

8 **WHEREAS**, counsel for the Parties respectfully submit that good cause exists to continue
9 the existing August 5, 2021 Initial Case Management Conference and associated deadlines until a
10 date that is convenient for the Court following resolution of the anticipated motion to dismiss.

11 **IT IS ACCORDINGLY STIPULATED**, by and between the undersigned counsel for the
12 Parties, that:

13 1. Defendants have waived service of the summons and Complaint on behalf of each
14 Defendant, subject to any defenses that any Defendant may subsequently assert, including any
15 defenses or objections as to personal jurisdiction, forum, venue, or otherwise, all of which defenses
16 are hereby preserved, except for those related to the sufficiency of service.

17 2. Defendants do not have to answer, move or otherwise respond to the Complaint.

18 3. The Court-appointed lead plaintiff(s) shall have until sixty (60) days after
19 appointment to file an amended or consolidated complaint, or to designate one of the initial
20 complaints as the operative complaint.

21 4. Defendants shall have sixty (60) days to answer, move against, or otherwise to
22 respond to the operative complaint filed or designated by the Court-appointed lead plaintiff(s).

23 5. The Court-appointed lead plaintiff(s) will have sixty (60) days to oppose any
24 motions to dismiss the operative complaint that Defendants file.

25 6. Defendants will have thirty (30) days to reply to any opposition to their motion to
26 dismiss the operative complaint filed by the Court-appointed lead plaintiff(s).

27 7. The Initial Case Management Conference scheduled for August 5, 2021 shall be
28 continued, along with all associated deadlines under the Federal Rules of Civil Procedures and the

1 Local Civil Rules for the United States District Court for the Northern District of California and
2 all associated ADR Multi-Option Program deadlines, until December 16, 2021.

5 DATED: June 21, 2021

LATHAM & WATKINS LLP

/s/ Matthew Rawlinson

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18 DATED: June 21, 2021

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25 DATED: June 21, 2021

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PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: June 21, 2021


Hon. Richard Seeborg
United States District Court Judge